IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 7784 of 2005(B)

PETITIONER:

P.V.S.AUTOMOBILES,Y.M.C.A.ROAD,
KOZHIKODE,REP. BY ITS PARTNER P.V.NIDHISH.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENTS:

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1. KERALA STATE ELECTRICITY BOARD
REP. BY ITS SECRETARY,VYDYUTHI BHAVAN,
TRIVANDRUM.

2. THE DEPUTY CHIEF ENGINEER,
APTS,KOZHIKODE.

3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL MAJOR SECTION (CENTRAL)
KOZHIKODE.

4. THE ASSISTANT ENGINEER,ELECTRICAL
SECTION (CENTRAL),KOZHIKODE.

5. THE DEPUTY CHIEF ENGINEER,
APTS (HQ),KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 7784/2005

APPENDIX

PETITIONER'S EXHIBITS:-

P1: True copy of the receipt showing the application for enhancement of the connected load dt. 28-9-01

P2: True copy of the installation completion report of the petitioner's premises.

P3: True copy of the notice issued by the 4th respondent dated. 19-10-2001

P3(A): True copy of the notice issued by the 4th respondent dated 19-10-2001.

P4: True copy of the reply sent by the petitioner to the 3rd respondent dated 22-10-2001

P5: True copy of the bill issued by the 3rd respondent dated 13-11-2001.

P6: True copy of the appeal filed by the petitioner before the 5th respondent dated 17-11-2001.

P7: True copy of the letter sent by the petitioner to the 3rd respondent dated 20-12-2001.

P8: True copy of the letter sent by the petitioner to the 5th respondent dated 31-12-2001

P9: True copy of the letter issued by the 3rd respondent dated 9-2-2004

P10: True copy of the letter sent by the petitioner to the 3rd respondent dated 21-2-2004.

P11: True copy of the proceedings of the 2nd respondent dated 17-2-2005

P12: True copy of the demand notice issued by the 4th respondent dated 22-2-2005

P12(A): True copy of the demand notice issued by the 4th respondent dated 22-2-2005

RESPONDENTS' EXHIBITS:-

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R1(a): True copy of the letter No.5/C/2001-02 dated 19-11-2001 of the 4th respondent

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 7784 OF 2005-B

JUDGMENT

The petitioner is a consumer of electricity under the respondents. It had two electricity connections under the industrial tariff. While so, it applied for a third connection for its commercial premises under tariff LT VIIA. Later, on inspection, it was detected that the connection granted for industrial purpose was being mis-used for the aforementioned commercial premises also. So, proceedings were initiated, which culminated in the issuance of Exts.P11, P12 and P12A. As per Ext.P12A, the total amount demanded will come to Rs.1,78,778/-. As per the interim order of this Court dated 9.3.2005, the petitioner submits, it has already remitted Rs.75,000/-.

2. When the writ petition was taken up for hearing, the learned counsel for the petitioner prayed for instalment facility to remit the balance amount due.

3. I heard the learned standing counsel for the K.S.E.B on this point. Having regard to the facts of the case, the petitioner shall pay the balance amount due in six equal monthly instalments of Rs.18,000/-. The 1st instalment shall be paid on or before 31.12.2007. The subsequent

instalments shall be paid on the last working day of the succeeding months regularly. Along with the last instalment, the interest, if any, that has accrued, shall also be paid. Apart from the specified amount, if any additional amount towards interest etc., has to be paid by the petitioner along with the last instalment, the 4th respondent shall serve an additional demand on the petitioner, about one month ahead of the date on which the said instalment has to be paid.

The Writ Petition is disposed of as above.

10th December, 2007. **K.BALAKRISHNAN NAIR, JUDGE**.

Nm/